

67



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,864	02/09/2004	Jerod M. Dobry	JD-1-js-mv	9499

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 Michael I. Kroll
 171 Stillwell Lane
 Syosset, NY 11791

EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/774,864	Applicant(s) DOBRY, JEROD M.	
	Examiner Leonid Shapiro	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2-9-04</u> | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14,16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by DeMonte (US Patent No. 4,897,651).

As to claim 1, DeMonte teaches a digital keyboard (See Col. 1, Lines 6-8) comprising:

- a) at least one keycap (See Figs. 1,11, items 25,125, Col. 2, Lines 27-43);
- b) means for displaying at least one of an image and text thereon, said display means is positioned on a face of said keycap (See Figs. 1,11, items 31-33, Col. 2, Lines 27-43); and
- c) means for acquiring a command code representing a function from a computer software application and assigning said acquired command code to said at least one keycap, wherein said display means displays at least one of an image and text associated with said acquired command code on said face of said at least one keycap and said at least one keycap is selectively depressable by a user thereby causing said function to be performed (See Figs. 1,11, items 34-35,40, Col. 2, Lines 46-52, Figs. 8-9, items 40,50, Col. 4, Lines 27-45 and Figs. 15,17, items 26,62, from Col. 6, Line 55 to Col. 7, Line 23).

As to claim 7, DeMonte teaches a digital keyboard (See Col. 1, Lines 6-8) comprising:

a) a digital key field having a plurality of individual display fields (See Figs. 1,11, items 25,125, Col. 2, Lines 27-43);

b) means for displaying at least one of an image and text thereon in one of plurality of individual display fields (See Figs. 1,11, items 31-33, Col. 2, Lines 27-43);
and

c) means for acquiring a command code representing a function from a computer software application and assigning said acquired command code to said at least one keycap, wherein said display means displays at least one of an image and text associated with said acquired command code on said face of said at least one keycap and said at least one keycap is selectively depressable by a user thereby causing said function to be performed (See Figs. 1,11, items 34-35,40, Col. 2, Lines 46-52, Figs. 8-9, items 40,50, Col. 4, Lines 27-45 and Fig. 15, items 26,62, from Col. 6, Line 55 to Col. 7, Line 23).

As to claims 2,8 DeMonte teaches display means is an LCD screen (See Figs. 1,11, items 31-33, Col. 2, Lines 27-43).

As to claims 3-4,9-10 DeMonte teaches a computer program and a plurality of computer software applications (See Fig. 15, item 62, Col. 6, Lines 15-26).

As to claims 5-6,11-13 DeMonte teaches to input and assign a command code to at least one keycap (See Fig. 15, item 62, Col. 6, Lines 15-26).

As to claims 14,16 DeMonte teaches a plurality of individual display fields (See Figs. 1,11, items 25,125, Col. 2, Lines 27-43).

As to claim 17 DeMonte teaches keycap having a display positioned on a face thereof, wherein said acquiring and assigning means acquires a command code representing second function from the computer software application and assigns said second function to said at least keycap (See Col. 6, Lines 15-26).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15,18-19 rejected under 35 U.S.C. 103(a) as being unpatentable over DeMonte in view of Mitchell (US Patent No. 6,961,048 B2).

As to claim 15, DeMonte does not disclose application display field for displaying at least one of a title associated with said computer application software, a title of said function associated with a respective one of said plurality of individual display fields, and a description of an action associated with said function.

Mitchell teaches application display field for displaying at least one of a title associated with said computer application software, a title of said function associated with a respective one of said plurality of individual display fields, and a description of an

Art Unit: 2629

action associated with said function (See Fig. 2, items 222,245, Col. 5, Lines 2-49 and Fig. 3, Col. 6, Lines 3-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Mitchell into DeMonte system in order to include configuration panel (See Col. 5, Lines 37-49 in the Mitchell reference).

As to claim 18, Mitchell teaches individual display fields are of equal size (See Fig. 2, items 205,245).

As to claim 19, Mitchell teaches individual display fields are of unequal size (See Fig. 2, item 205).


Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS
12.06.06



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